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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MINHYE PARK,

Plaintiff,

Index No.:

1:20-cv-02636

-against-

DAVID DENNIS KIM, M.D.,

Defendant.

-----x

January 5, 2022

7:33 a.m.

EXAMINATION BEFORE TRIAL of  
MINHYE PARK, the Plaintiff in the  
above-captioned matter, held via Zoom  
videoconference, before a Notary Public  
of the State of New York.

Alyssa Bochnik,  
Shorthand Reporter

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2 A P P E A R A N C E S:

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JSL LAW OFFICES, P.C.

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Flushing, New York 11354

BY: JAE S. LEE, ESQ.

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White Plains, New York 10601

BY: ALEJANDRA R. GIL, ESQ.

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ALSO PRESENT: Cecilia Lee,  
Korean Interpreter

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2                   IT IS HEREBY STIPULATED AND  
3    AGREED, by and between the attorneys for  
4    the respective parties hereto, that the  
5    sealing and filing of the within  
6    deposition be waived; that such  
7    deposition may be signed and sworn to  
8    before any officer authorized to  
9    administer an oath with the same force  
10   and effect as if signed and sworn to  
11   before a Justice of this Court.

12  
13                   IT IS FURTHER STIPULATED AND  
14    AGREED that all objections, except as to  
15    form, are reserved to the time of trial.

16  
17                   IT IS FURTHER STIPULATED AND  
18    AGREED that the within examination and  
19    any corrections thereto may be signed  
20    before any Notary Public with the same  
21    force and effect as if signed and sworn  
22    to before this Court.

23  
24  
25

1  
2 CECILIA LEE, Korean Interpreter,  
3 was first duly sworn by Alyssa  
4 Bochnik, a Notary Public within and  
5 for the State of New York, to  
6 truthfully interpret the testimony  
7 of Minhye Park.  
8

9 o0o  
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11 M I N H Y E P A R K,  
12 having been duly sworn by Alyssa Bochnik,  
13 a Notary Public within and for the State  
14 of New York, was examined and testified  
15 through the interpreter as follows:  
16

17 o0o  
18  
19

20 COURT REPORTER: State your  
21 name and address for the record,  
22 please.

23 THE WITNESS: Minhye Park. I  
24 do not know how to say the address  
25 in English.



1                   Minhye Park

2                   THE INTERPRETER: It's a  
3                   Korean address. Counsel, I could  
4                   do my best to phonetically write it  
5                   down for you -- translate it for  
6                   you, if you would like me to just  
7                   try to do that.

8                   MS. GIL: Yes. Just do your  
9                   best, please.

10                  Thank you.

11                  (Witness and interpreter  
12                  speaking in Korean)

13                  THE INTERPRETER: So, the  
14                  city is Kyungnam Chang Won. It's  
15                  K-y-u-n-g-n-a-m, C-h-a-n-g, W-o-n.  
16                  So, that's the city. Then, it's in  
17                  street number 397-11 in Hill State.  
18                  Hill State, I didn't -- like in  
19                  English, Hill State. Atium City is  
20                  A-t-u- -- A-t-i-u-m City, Number  
21                  104, Apartment Number 2605.

22                  MS. GIL: Okay. Thank you.

23                  EXAMINATION BY MS. GIL:

24                  Q. Ms. Park, my name is Alejandra  
25                  Gil. I'm an attorney at Heidell,

1                                   Minhye Park

2           Pittoni, Murphy & Bach, and I represent  
3           Dr. Kim.

4                           I'm going to be asking you  
5           questions today about the lawsuit that  
6           you have brought against Dr. Kim.

7                           This deposition is being  
8           conducted via Zoom videoconference and  
9           with the assistance of a Korean  
10          interpreter.

11                          I need you to make sure that  
12          you listen to the interpretation of the  
13          Korean interpreter, her complete  
14          interpretation, before you start  
15          answering any questions.

16                          It's very important that you  
17          give verbal responses to all of the  
18          questions.

19                          And if you don't understand a  
20          question, please let me know through the  
21          interpreter.

22                   A.     Okay.

23                   Q.     If you don't understand a  
24          question, I can repeat it or I can  
25          rephrase it so that you understand it.



1 Minhye Park

2 A. Okay.

3 Q. As you know, you were just  
4 sworn in. This deposition is under  
5 oath, which means that you must tell the  
6 truth.

7 A. Okay.

8 Q. If you don't recall or you  
9 don't know the answer to one of my  
10 questions, then please tell me that you  
11 don't recall or that you don't know.

12 A. Okay.

13 Q. Please do not guess or  
14 speculate as to any of your answers.

15 A. Okay.

16 Q. If you need a break for any  
17 reason, we can take a break. But if  
18 I've asked you a question, then you'll  
19 have to answer it before we take a  
20 break. Do you understand?

21 A. Okay.

22 Q. And pursuant to an agreement  
23 with your attorney, we will proceed with  
24 this deposition until 11:00 a.m. New  
25 York time. And if we need additional

1                                   Minhye Park

2           time, we will return tomorrow.

3           A.     Okay.

4           Q.     Have you ever testified at a  
5           deposition before?

6           A.     No.

7           Q.     Have you ever been involved in  
8           a lawsuit before this one?

9           A.     No; this is the first time.

10          Q.     Did you review any documents in  
11          preparation for your deposition today?

12          A.     No.

13          Q.     Do you have copies of any of  
14          your medical records related to the  
15          procedure performed by Dr. Kim in 2017?

16          A.     Oh. What kind of documents are  
17          you talking about?

18          Q.     Any medical records.

19          A.     No, I do not have any records  
20          with me.

21          Q.     Do you have any correspondence -  
22          any letters or emails - that you may  
23          have received either from Dr. Kim or  
24          from somebody in his practice?

25          A.     No, I never received such



1 Minhye Park

2 things.

3 Q. What is your date of birth?

4 A. XX/XX/1988.

5 Q. And where were you born?

6 A. In Masan, South Korea.

7 THE INTERPRETER: M-a-s-a-n.

8 Q. And are you a citizen of  
9 South Korea?

10 A. Yes.

11 Q. Are you a citizen of any other  
12 country?

13 A. No.

14 Q. Have you ever lived in the  
15 United States?

16 A. No.

17 Q. Have you visited the United  
18 States?

19 A. Yes.

20 Q. When was the last time you were  
21 in the United States?

22 A. In 2017, that was the last time.

23 Q. And when you say 2017, was that  
24 the time that you were treated by Dr. Kim?

25 A. Yes.

1                                   Minhye Park

2                   Q.     And before that visit, when was  
3     the last time before that, that you had  
4     been in the United States?

5                   A.     I do not remember exactly, but  
6     I think it was around 2012 or 2013.

7                   Q.     Okay. What is your highest  
8     level of education?

9                   A.     High school.

10                  Q.     When did you graduate high  
11     school?

12                  A.     When I was 19.

13                  Q.     And did you attend high school  
14     in South Korea?

15                  A.     Yes.

16                  Q.     And after you graduated high  
17     school, did you take any college courses  
18     anywhere in South Korea?

19                  A.     No, I did not go to college.

20                  Q.     Did you attend any institution  
21     for training for a certain profession?

22                  A.     My high school was for beauty.

23                  Q.     So, once you completed high  
24     school, did you have any further courses  
25     or training in beauty?



1 Minhye Park

2 A. No; I just worked part time at  
3 a beauty salon.

4 Q. Do you speak English at all?

5 A. No, I don't.

6 Q. Do you understand English?

7 A. No, I don't.

8 Q. Can you read in English?

9 A. No, I do not know English.

10 Q. In high school, were any of  
11 your courses taught in English?

12 A. No; we didn't have any English  
13 classes in my school.

14 Q. Did you ever attend any English  
15 classes outside of school?

16 A. No, I never went to take any  
17 English classes.

18 Q. Okay. So, you've already told  
19 us that your high school was a beauty  
20 high school.

21 Have you had any training in  
22 any fields other than beauty?

23 A. No.

24 Q. Since you graduated high school  
25 when you were 19, have you worked?

1 Minhye Park

2 A. Are you asking if I -- if I --  
3 are you asking whether I started working  
4 after graduating high school?

5 Q. Yes. What jobs have you had  
6 since you graduated high school?

7 THE INTERPRETER: Off the  
8 record, Counselor.

9 (Off-the-record discussion)

10 A. I worked at many different  
11 part-time jobs.

12 Q. And were all of those part-time  
13 jobs at beauty salons?

14 A. No. I did work at other places  
15 part time.

16 Q. Okay. Where else did you work?

17 A. I worked at -- doing online --  
18 at an online shopping mall. I also  
19 worked at a coffee shop and also worked  
20 selling cosmetics.

21 Q. Have you ever worked in any  
22 type of medical office?

23 A. No.

24 Q. Do you have any training in the  
25 medical field?



1 Minhye Park

2 A. No.

3 Q. Do you have any family members  
4 that work in the medical field?

5 A. No.

6 Q. Do you have any friends that  
7 work in the medical field?

8 A. No.

9 Q. Do you currently live with  
10 anybody?

11 A. Yes; I live with a friend.

12 Q. And what is your friend's name?

13 A. Byun Hyun Bae.

14 THE INTERPRETER: First name  
15 is B-y-u-n, H-y-u-n. Last name is  
16 B-a-e.

17 Q. And in 2017, in November of  
18 2017, were you living with anybody?

19 A. No; I was living by myself.

20 Q. How long have you been living  
21 with Byun Hyun Bae?

22 MS. LEE: Objection; relevance.

23 Q. You can answer the question.

24 A. About two years, I think.

25 Q. In 2017, were you working?

1                   Minhye Park

2           A.     At that time I had taken some  
3 vacation time and went on a trip.

4           Q.     Okay. Was that a trip to the  
5 United States?

6           A.     Yes.

7           Q.     So, how long was your vacation  
8 supposed to last?

9           A.     About three weeks.

10          Q.     When did you start that  
11 vacation?

12          A.     I do not remember.

13          Q.     Well, when you went to the  
14 United States on vacation, were you  
15 employed and you took time off, or were  
16 you in between jobs?

17          A.     I took some time off from my  
18 job.

19          Q.     And where were you working at  
20 the time?

21          A.     At that time I was working at a  
22 bar for -- that belonged to a friend of  
23 mine.

24          Q.     And what were you doing -- what  
25 was your job at the bar?



1                                   Minhye Park

2           A.     Bartender.

3           Q.     And in 2017, before you took  
4     the time off to go on vacation, what was  
5     your schedule at the bar?

6           A.     It was from 7:00 p.m. in the  
7     evening to 1:00 or 2:00 a.m.

8           Q.     And how many days a week did  
9     you work?

10          A.     Three or four days a week.

11          Q.     When you returned to South Korea  
12     after your time in the United States,  
13     did you return to the bar to work?

14          A.     No; I was not able to work.

15          Q.     Okay. And why weren't you able  
16     to work?

17          A.     Because I wasn't feeling well,  
18     that's why I couldn't work.

19          Q.     Did there come a time after you  
20     returned to South Korea that you did go  
21     back to work?

22          A.     No, not that work. Not work --  
23     not that -- not working over there.

24          Q.     So, did you start working again  
25     someplace else?

1                   Minhye Park

2           A.     So, for about two years, I was  
3     not able to work. And just recently I  
4     started working from home, doing online --  
5     an online shopping mall.

6           Q.     When did you start working at  
7     the online shopping mall?

8           A.     Last year in May. Around then.

9           Q.     So, May of 2021?

10          A.     Correct.

11          Q.     So, from approximately December  
12     2017 until May of 2021, you didn't work  
13     at all?

14          A.     Yes. Correct, I did not.

15          Q.     You said before that you didn't  
16     work because you weren't feeling well.

17                   Can you explain why you weren't  
18     feeling well.

19          A.     So, basically -- so, after  
20     surgery and when I came back, because of  
21     the hormone imbalance, I -- my skin was  
22     really bad. I also developed cysts in  
23     my -- on my breast -- in my breast.  
24     And, also, my liver got really bad.

25          Q.     When you say "after surgery,"



1                   Minhye Park

2       which surgery are you referring to?

3           A.     Well, I had -- the surgery in  
4       the United States did not go well; so  
5       then, I had another surgery in Korea.

6           Q.     And when was your second --  
7       when was the surgery in Korea?

8           A.     After coming back from America.  
9       I think it was a week after.

10          Q.     So, was that sometime in  
11       December of 2017?

12          A.     Yes.

13          Q.     Okay. Now, you said that  
14       because of the hormones, you had skin  
15       issues, cysts in your breasts, and your  
16       liver was really bad.

17                 Were you taking hormones after  
18       the surgery?

19          A.     No; I wasn't taking any  
20       medication.

21          Q.     Okay. So, when you say because  
22       of the hormones, can you explain what  
23       you mean by that?

24          A.     So, about two years ago when I  
25       went to the doctor's and they found the

1                   Minhye Park

2       cysts on my breasts, they said that it  
3       was due to the female hormones.

4           Q.     So, two years ago. So, would  
5       that have been sometime in 2019?

6           A.     To know the exact date, I would  
7       need to look at the records.

8           Q.     So, who told you that you had  
9       cysts in your breasts?

10          MS. LEE: Objection.

11          MS. GIL: What is the basis  
12       of the objection?

13          MS. LEE: Already asked and  
14       answered.

15          MS. GIL: I did not ask her  
16       who found the cysts in her breasts.  
17       She can answer the question.

18          MS. LEE: She said, the doctor.

19       Q.     Which doctor?

20       A.     I do not know the name of the  
21       doctor.

22       Q.     Was it an OB/GYN?

23       A.     No. It was the University  
24       Hospital.

25       Q.     Was this some kind of clinic



1                   Minhye Park

2       that you went to?

3           A.     No.     Actually, the -- when we  
4       say -- when we say "University Hospital,"  
5       it's the biggest hospital in Korea.

6           Q.     So, why were you going to  
7       University Hospital for treatment?

8           A.     So, I just went to get an  
9       ultrasound, because I was taking a  
10      shower one day, and I felt this lump.

11          Q.     Which breast did you feel the  
12      lump in?

13          A.     Left.

14          Q.     And when you went to the  
15      University Hospital to have the lump  
16      examined, you said they had told you  
17      that it was because of the hormones?

18          A.     When I asked why I had that  
19      lump or cyst, they told me it was  
20      because of my female hormones.

21          Q.     And did they explain whether  
22      that was your natural female hormones  
23      that your body was producing or hormones  
24      that you had taken from a medication or  
25      something?

1                                   Minhye Park

2           A.     I had never took any kind of  
3 hormone medicine.

4           Q.     Have you ever taken birth  
5 control pills?

6           A.     Just when I got the surgery in  
7 America. But after that, I never did.

8           Q.     Okay. You were taking birth  
9 control when you had the surgery in  
10 America?

11          A.     No. After surgery, I took it.

12          Q.     What exactly did you take after  
13 surgery?

14          A.     It was a Korean brand birth  
15 control pill.

16          Q.     And when did you take that?

17          A.     I -- after the surgery in  
18 America and when the doctor told me that  
19 everything went well with surgery, I  
20 started taking it then.

21          Q.     Was that the doctor who did the  
22 surgery in Korea?

23          A.     No; the doctor in America.

24          Q.     Did Dr. Kim prescribe a  
25 medication or a birth control to you?



1                                   Minhye Park

2           A.     No, he did not prescribe any  
3 medication or birth control pill, but he  
4 just told me to take birth control  
5 pills.

6           Q.     Okay. So, then, you started  
7 taking a Korean birth control pill?

8           A.     Yes.

9           Q.     And did you have to get a  
10 prescription to get that birth control  
11 pill?

12          A.     No; you could just buy it over  
13 the counter.

14          Q.     Now, when you were told at  
15 University Hospital that you had a lump  
16 or a cyst in your breast due to hormones,  
17 did you tell them, that doctor, that you  
18 had taken birth control sometime in late  
19 2017 or after that?

20          A.     No, I did not.

21          Q.     How long did you take the  
22 Korean birth control pills for?

23          A.     Just for one week I think.  
24 Just about one week.

25          Q.     Do you know what kind of birth

1                                   Minhye Park

2       control pills they were?

3           A.     I do not know what kind.

4           Q.     And why did you only take them  
5       for a week?

6           A.     Because it seemed that the  
7       surgery that I got in America was not  
8       done well, so I stopped then.

9           Q.     How long after Dr. Kim's  
10      procedure did you start taking the birth  
11      control pills?

12          A.     I do not remember exactly, but  
13      I think it was about a week after.

14          Q.     And you testified earlier that  
15      after the surgery by Dr. Kim, you had  
16      another surgery in Korea.

17                 So, did you take these birth  
18      control pills before the surgery in  
19      Korea?

20          A.     No, I did not take any birth  
21      control pills in Korea. I just took  
22      them while I was in America.

23          Q.     Where did you buy the Korean  
24      birth control pills?

25          A.     When I went to the Korean

1 Minhye Park

2 supermarket, there's a section where  
3 they actually sell Korean products,  
4 Korean medical products.

5 Q. And was that a Korean  
6 supermarket in the United States?

7 A. Yes.

8 Q. So, just to clarify: The only  
9 time you took birth control pills was  
10 the time period after Dr. Kim's surgery  
11 but before the surgery in Korea; is that  
12 correct?

13 A. Correct.

14 Q. And the pills that you took,  
15 were they to prevent a pregnancy or to  
16 terminate a pregnancy?

17 A. Because I had done surgery  
18 already, it was so that I would not have  
19 any babies in the future.

20 Q. When they found a cyst in your  
21 breast, was it just in your left breast  
22 that they found a cyst?

23 A. Yes.

24 Q. And after the ultrasound, did  
25 you have any additional studies done on



1 Minhye Park

2 that left breast cyst?

3 A. I had surgery to have the cyst  
4 or lump removed.

5 Q. Okay. And when was that surgery?

6 A. I think it's been about two  
7 years now.

8 Q. And do you know why the cyst  
9 was removed?

10 A. I -- it was removed because I  
11 was told that if I left it, it could  
12 turn cancerous.

13 Q. Do you know if it was cancerous  
14 at the time that it was removed?

15 A. No, it was not cancerous. But  
16 I removed it because if the -- if the  
17 lump or cyst got bigger, it could turn  
18 cancerous in the future.

19 Q. And you also mentioned earlier  
20 that you were having issues with your  
21 liver.

22 Can you explain to me what  
23 issues you had with your liver.

24 A. Hepatitis C. So, I am getting  
25 treatment for that now.

1 Minhye Park

2 Q. And when were you first  
3 diagnosed with hepatitis C?

4 A. I found out a few months ago.

5 Q. And what kind of treatment are  
6 you undergoing for hepatitis C?

7 THE INTERPRETER: Counsel,  
8 was that liquid, liquid treatment?

9 MS. GIL: Any kind of  
10 treatment she's having, whether  
11 it's medication or something else.

12 THE INTERPRETER: Off the  
13 record.

14 (Off-the-record discussion)

15 A. It's just a treatment with  
16 drugs.

17 Q. And when you were diagnosed  
18 with hepatitis C, were you told whether  
19 that had anything to do with the  
20 procedure that was performed by Dr. Kim  
21 in 2017?

22 A. No; the liver has nothing to do  
23 with that.

24 Q. And when you were diagnosed  
25 with the cyst in your left breast, were



1                   Minhye Park

2       you told whether that cyst was in any  
3       way related to the procedure that was  
4       performed by Dr. Kim?

5           A.     That, I am not sure. I am not  
6       sure if that has anything to do with  
7       that.

8           Q.     And you testified earlier that  
9       you also had skin issues after the  
10      surgery by Dr. Kim.

11                  What issues were you having  
12      with your skin?

13          A.     So, before the procedure, I  
14      never had any trouble with my skin; but  
15      after the procedure, up to now, I keep  
16      having all these skin issues.

17          Q.     And what skin issues are you  
18      having?

19          A.     So, I get all these pimples  
20      all -- like, constantly.

21          Q.     And have you gone to a doctor  
22      about your pimples that you've been  
23      having?

24          A.     No, I did not go to a doctor  
25      for that.

1 Minhye Park

2 Q. Now, from 2017 until May of  
3 2021 when you started working again,  
4 what was your source of income, if any?

5 A. I got help from my boyfriend.

6 Q. Have you been with your  
7 boyfriend from 2017 until now?

8 A. Are you asking whether I had  
9 met him since then?

10 Q. Yes. Well, first of all, are  
11 you with your boyfriend currently?

12 A. Yes.

13 Q. And how long have you been  
14 together with your boyfriend?

15 A. Over four years, almost five  
16 now.

17 Q. So, in 2017, were you with your  
18 current boyfriend?

19 A. Yes.

20 Q. And have you been with him  
21 continuously until now?

22 A. Yes.

23 Q. And during the time that you  
24 were not working, did he provide income  
25 to you or monetary support, financial



Minhye Park

support?

A. Yes.

Q. And has anyone besides your boyfriend provided you financial support since 2017?

A. No.

Q. Do you live with your boyfriend?

A. Yes, we live together now.

Q. So, is your boyfriend the same person that you mentioned before?

A. Yes.

Q. And besides your boyfriend, have you lived with anybody else from 2017 until now?

A. No.

Q. And have you and your boyfriend been living together continuously from 2017 until now?

MS. LEE: Objection.

MS. GIL: She can answer.

A. No. We've been living together since two years ago.

Q. And before you started living together, was he paying for your --

1                                   Minhye Park

2       well, withdrawn.

3                   Before you started living  
4       together with your boyfriend, were you  
5       living alone?

6                   MS. LEE:   Objection.

7           Q.     You can answer.

8           A.     Yes.

9           Q.     And were you living in an  
10       apartment?

11          A.     No; I was living in a house.

12          Q.     And did you pay rent in that  
13       house?

14          A.     Yes; it was -- it was a rent.

15          Q.     And who paid the rent when you  
16       weren't working?

17          A.     Because I was not able to pay  
18       rent, I used up the -- all the deposit  
19       that I had.

20          Q.     Did your boyfriend ever pay for  
21       the rent in that house you were living  
22       in?

23          A.     No.

24          Q.     Are your parents alive?

25          A.     Yes.



1 Minhye Park

2 Q. When was the last time that you  
3 lived with your parents?

4 A. Until my early 20s.

5 Q. And do they provide any type of  
6 financial support to you?

7 A. No.

8 Q. From the time of Dr. Kim's  
9 surgery until May of 2021 when you  
10 started working at the online shopping  
11 mall, what were the reasons why you  
12 didn't work? What were the specific  
13 physical reasons why you couldn't work?

14 A. And like I mentioned earlier,  
15 it was because of my breast issue, my  
16 liver. And also because my skin was  
17 very bad, I did not want to go out and  
18 meet people.

19 Q. Has anybody told you that your  
20 skin issues were caused by Dr. Kim's  
21 surgery?

22 A. No; other people do not know  
23 about this surgery.

24 Q. And other than your skin  
25 issues, the breast cyst, and the

1 Minhye Park

2 hepatitis C, have you been treated for  
3 any other medical conditions since you  
4 had your surgery with Dr. Kim in 2017?

5 MS. LEE: Objection.

6 MS. GIL: What's the basis of  
7 the objection?

8 MS. LEE: Asked and answered  
9 already.

10 MS. GIL: No, I did not ask  
11 her that specific question.

12 MS. LEE: You did.

13 Q. You can answer.

14 A. No, I did not get any other  
15 kind of treatment.

16 Q. And where are you going for  
17 treatment for your hepatitis C?

18 A. The hospital prescribed me some  
19 medication; so, that's what I'm taking  
20 right now.

21 Q. And is that University Hospital,  
22 where you also went for your breast  
23 cyst?

24 A. No; it's a different hospital.

25 Q. Okay. So, which hospital are



1                   Minhye Park

2           you going to for hepatitis C?

3           A.     I'm just going to a hospital  
4           clinic that specializes in hepatitis.

5           Q.     Okay. What's the name of it?

6           A.     Yon Sae Hospital.

7                   THE INTERPRETER: Y-o-n,  
8           S-a-e Hospital.

9                   MS. GIL: Y-o-n, S-a-e  
10          Hospital?

11                  THE INTERPRETER: Yes.

12                  MS. GIL: Thank you.

13          Q.     Do you have any children?

14          A.     No.

15          Q.     How many times have you been  
16          pregnant?

17          A.     Twice.

18          Q.     Is that including the pregnancy  
19          that you went to Dr. Kim for?

20          A.     Yes.

21          Q.     Do you remember reporting to  
22          Dr. Kim that you actually had three  
23          pregnancies, total?

24          A.     No, I did not say that.

25          Q.     When was the first time that

1                                   Minhye Park

2       you were pregnant?

3           A.     It was early 20s.

4           Q.     And did that pregnancy end at  
5       some point?

6           A.     I don't really understand the  
7       question.

8           Q.     Did you terminate that pregnancy?

9           A.     You mean, the first one?

10          Q.     Yes.

11          A.     Yes, I did, 'cause I was very  
12       young.

13          Q.     How did you terminate that  
14       pregnancy?

15          A.     I had surgery done.

16          Q.     And do you know how many weeks  
17       pregnant you were when you had that  
18       surgery?

19          A.     It was the very beginning.

20          Q.     Can you be more specific than  
21       that?

22          A.     About five weeks, I think.

23          Q.     And where did you go to have  
24       that surgery?

25          A.     It's in an area called Tong



Minhye Park

Wang.

THE INTERPRETER: Which is  
spelled T-o-n-g W-a-n-g.

Q. Do you remember the name of the  
doctor who did the surgery?

A. I do not remember.

Q. Was it performed in a hospital?

A. Yes.

Q. Do you remember the name of the  
hospital?

A. It was a long time ago; so, I  
do not remember.

Q. Do you have any records, medical  
records related to that procedure?

A. No, I don't.

Q. How did you pay for that  
procedure?

A. I do not remember.

Q. Did you have medical insurance  
at the time?

A. Yes, I did.

Q. And what was your medical  
insurance at the time?

A. It's just called Korea Health

1 Minhye Park

2 Insurance.

3 Q. Do you still have that health  
4 insurance?

5 A. Yes.

6 Q. And do you know if you used  
7 that health insurance to pay for the  
8 procedure that you had in your early 20s?

9 A. No; because that I know of,  
10 that surgery is not covered under the  
11 insurance.

12 Q. Do you remember any details  
13 about the procedure in terms of where it  
14 was done, other than the name of the  
15 town?

16 A. No.

17 Q. When you learned -- how did you  
18 learn that you were pregnant the first  
19 time that you were pregnant?

20 MS. LEE: Objection.

21 MS. GIL: What's the basis of  
22 the objection?

23 MS. LEE: Relevance.

24 MS. GIL: It is relevant to a  
25 claim --



1 Minhye Park

2 MS. LEE: And privacy.

3 MS. GIL: No, it's absolutely  
4 relevant. It's a prior pregnancy  
5 that was terminated, which is the  
6 same nature of the current claim.

7 MS. LEE: It's not relevant.

8 Q. You can answer.

9 How did you learn that you were  
10 pregnant the first time that you were  
11 pregnant?

12 A. Because my period -- my period  
13 did not come; so, I used a test, pregnancy  
14 test.

15 Q. Did you use a home pregnancy  
16 test?

17 A. Yes.

18 Q. After you used that test, did  
19 you go to a doctor about the pregnancy?

20 A. Yes.

21 Q. And which doctor did you go to?

22 A. I do not remember the name of  
23 the doctor.

24 Q. Was it the same doctor that  
25 eventually terminated the pregnancy?

1                                   Minhye Park

2           A.     Yes.

3           Q.     Okay.   And how many times did  
4   you go to this doctor?

5           A.     I think I went twice.

6           Q.     Okay.   Tell me what you  
7   remember about the first time you went  
8   to the doctor.

9                   MS. LEE:   Objection; ambiguous.

10                   MS. GIL:   It's not an  
11                   ambiguous question.

12                   She can answer.

13           A.     So, when I got -- when I did  
14   the home pregnancy test and it came out  
15   positive, I looked for an OB/GYN.   And  
16   when I went there to make sure that it  
17   was actually a pregnancy, I did an  
18   ultrasound.

19           Q.     And based on that ultrasound,  
20   did the doctor tell you how pregnant you  
21   were, how far along you were?

22           A.     Yes.

23           Q.     And then, what happened after  
24   you were told how far along you were?

25           A.     So, after a few days, I called



1                   Minhye Park

2       back and I said that I wanted to get the  
3       surgery.

4           Q.     During that first appointment,  
5       did you discuss having a surgery to  
6       terminate the pregnancy?

7           A.     Not the first day.

8           Q.     Okay. So, after the doctor  
9       told you how pregnant you were, how far  
10      along you were, what else did you  
11      discuss with the doctor?

12          A.     Other than that, we did not  
13      discuss anything else with the doctor.

14          Q.     Did you tell the doctor during  
15      that first appointment that you wanted  
16      to terminate the pregnancy?

17          A.     No, I did not mention it in the  
18      beginning.

19          Q.     And you said you called back a  
20      few days later and said you wanted the  
21      surgery; is that correct?

22          A.     Yes.

23          Q.     During the first appointment,  
24      did the doctor tell you that you could  
25      have a surgery to terminate the

Minhye Park

pregnancy?

MS. LEE: Objection.

Q. You can answer.

A. Can you repeat the question.

Q. Yes. During the first appointment, did the doctor tell you that you could have a surgery to terminate the pregnancy?

A. We did not talk about this kind of surgery at all.

Q. Okay. So, how did you know that the doctor could do a surgery to terminate the pregnancy?

A. I searched on the Internet.

MS. GIL: Okay. I need to take a five-minute break.

(Recess held from 8:48 to 8:59 a.m.)

CONTINUED EXAMINATION BY MS. GIL:

Q. So, Ms. Park, you testified that after your first appointment with the doctor, you searched on the Internet for the surgery.

Did you learn at that time that the doctor that you went to could



1                                   Minhye Park

2       perform a surgery to terminate the  
3       pregnancy?

4           A.     Can you repeat the question,  
5       please.

6           Q.     Yes.   When you did your search  
7       on the Internet, did you learn that the  
8       doctor that you went to could terminate  
9       the pregnancy with a surgery?

10          A.     No.    When I search on the  
11       Internet and I learned that there was  
12       such kind of surgery, I called the  
13       doctor, the clinic, and asked if he  
14       could perform it.

15          Q.     Okay.   And what did they tell  
16       you?

17          A.     That it was possible.

18          Q.     Do you know if that surgery was  
19       legal in Korea at that time?

20               MS. LEE:   Objection.

21          Q.     You can answer the question.

22          A.     Yeah.   Yeah, at that time it  
23       was not illegal.

24          Q.     So, what did they tell you when  
25       you called the clinic to ask about

1                                   Minhye Park

2           performing the surgery?

3                           MS. LEE:   Objection.

4                   Q.     Did they give you a date when  
5           you called, to come in for the procedure?

6                   A.     Yes.

7                   Q.     And when you called the clinic,  
8           did they explain to you during that  
9           phone call how the procedure would be  
10          performed?

11                  A.     I do not remember whether this  
12          was explained to me over the phone or  
13          once I went there.

14                  Q.     Okay.   So, you've told me that  
15          during that phone call, they told you  
16          that they could do the procedure, and  
17          they gave you a date to come in for the  
18          procedure.

19                         Do you remember them telling  
20          you anything else during that phone  
21          call?

22                  A.     No, no.

23                  Q.     And what happened when you went  
24          back to the clinic for the procedure?

25                  A.     I think I went there, and I



1                   Minhye Park

2           was -- it was explained to me -- the  
3           procedure was explained to me; and then,  
4           I got the surgery.

5           Q.     Do you know how long after your  
6           first appointment, you returned for the  
7           procedure?

8                   MS. LEE:   Objection.

9           A.     I do not remember exactly.

10          Q.     Do you know if it was within  
11          the same week or a couple of weeks  
12          later?

13          A.     I don't think it was over a  
14          week after.

15          Q.     When you did your search on the  
16          Internet, did you learn if there was any  
17          way to terminate the pregnancy besides  
18          having surgery?

19                   MS. LEE:   Objection.

20                   MS. GIL:   What's the basis of  
21          the objection?

22                   MS. LEE:   Relevance.

23                   MS. GIL:   It's absolutely  
24          relevant.

25                   She can answer the question.

1 Minhye Park

2 A. No.

3 Q. So, when you returned to the  
4 clinic for the procedure, what did they  
5 explain to you about how it would be  
6 performed?

7 A. That, I do not remember.

8 Q. Well, what do you remember  
9 about anything they told you at the  
10 clinic when you went for the procedure?

11 A. I do not remember.

12 Q. Do you remember if they told  
13 you about any risks associated with the  
14 surgery?

15 A. Yes, I did remember hearing  
16 that.

17 Q. Okay. What did they tell you  
18 about the risks?

19 A. I do not remember the details.

20 Q. Do you remember if they told  
21 you that there was a chance that they  
22 would not be able to actually terminate  
23 the pregnancy?

24 A. No.

25 Q. Do you remember if they told



1                                   Minhye Park

2       you that there was a risk of infection?

3           A.     I'm not sure.

4           Q.     Do you remember if they told  
5       you that there was a risk of excessive  
6       bleeding after the surgery?

7           A.     Yes.

8           Q.     Did they explain to you for how  
9       long the excessive bleeding could last?

10          A.     No, I do not remember.

11          Q.     Did they tell you whether you  
12       could take a medication, instead of  
13       having surgery, to terminate the  
14       pregnancy?

15          A.     No.

16          Q.     Do you remember if they told  
17       you that the surgery might be more  
18       successful if you waited a little longer  
19       to have it?

20          A.     I don't really understand the  
21       question.

22          Q.     Okay. At the time that you had  
23       the surgery, were you about five or  
24       six weeks pregnant?

25          A.     Yes.

1 Minhye Park

2 Q. Did they tell you that it would  
3 be better if you waited a little longer  
4 to have the surgery?

5 A. No.

6 Q. Are there any other details  
7 that you remember about the conversation  
8 you had at the clinic, before you had  
9 the surgery, during this second  
10 appointment?

11 A. I do not remember.

12 Q. Did anybody go with you to the  
13 clinic for the surgery?

14 A. I went with a friend.

15 Q. And was that friend your  
16 boyfriend, your current boyfriend?

17 A. No.

18 Q. Tell me what you remember about  
19 the surgery, if anything.

20 MS. LEE: Objection.

21 Q. You can answer the question.

22 A. There's nothing I remember.

23 Q. Do you remember if you were  
24 awake or asleep during the procedure?

25 A. I had anesthesia.



1                                   Minhye Park

2           Q.     Okay. Were you completely  
3     asleep during the procedure?

4           A.     Yes, I was asleep.

5           Q.     Do you know how long the  
6     procedure took?

7           A.     I do not know exactly, but I  
8     don't think it took very long.

9           Q.     And once you woke up after the  
10    procedure, did you talk to the doctor  
11    who did it?

12          A.     No.

13          Q.     Did you talk to a nurse or  
14    anybody else before you went home?

15          A.     So, I think the nurse gave me  
16    some papers of things to be -- to be  
17    aware of.

18          Q.     Okay. And did she explain to  
19    you what things you needed to be aware  
20    of?

21          A.     Yes.

22          Q.     What did she tell you?

23          A.     That I could bleed; those  
24    things.

25          Q.     Okay. What else, besides that

1 Minhye Park

2 you could bleed?

3 A. And not to do anything excessive,  
4 and to just rest.

5 Q. Did she tell you what you  
6 should do if you had bleeding?

7 A. She told me to call the clinic.

8 Q. And after you had the surgery,  
9 did you have any bleeding?

10 A. It was a long time ago; so, I  
11 do not remember.

12 Q. After the surgery at the  
13 clinic, did they tell you if they were  
14 able to remove the entire contents of  
15 the pregnancy?

16 A. I did not go to that clinic for  
17 the results again.

18 Q. Okay. But the day of the  
19 procedure, did they tell you whether  
20 they had removed all of the products?

21 A. Yes.

22 Q. "Yes," they told you that?

23 A. Yes.

24 Q. And did they tell you how they  
25 knew that they had removed everything?



1 Minhye Park

2 MS. LEE: Objection.

3 MS. GIL: What's the basis of  
4 the objection?

5 MS. LEE: (No response)

6 MS. GIL: Okay. She can  
7 answer the question.

8 Q. Do you need it read back?

9 A. Yes. I did not really understand  
10 the question.

11 Q. Okay. You testified that they  
12 told you that they had removed  
13 everything from the pregnancy.

14 So, my question is: Did they  
15 tell you how they knew that they had  
16 removed everything from the pregnancy?

17 A. No, they did not explain that.

18 Q. Okay. And after you had the  
19 surgery, did you have to go to any  
20 doctor for any bleeding or any issues  
21 that you may have experienced after the  
22 surgery?

23 A. No, I did not have any issues.

24 Q. After the surgery, did you  
25 experience any pain?

1 Minhye Park

2 A. Yes; my belly hurt.

3 Q. And do you know for how long  
4 you had belly pain?

5 A. I think, about two or three days.

6 Q. And besides the belly pain, do  
7 you remember any other pain, bleeding,  
8 cramps, anything you had after the  
9 surgery?

10 A. No, I did not have any other  
11 symptoms.

12 Q. And after that surgery, did you  
13 take any medications?

14 A. No, I did not.

15 Q. And did you take any birth  
16 control pills after that surgery?

17 A. No, I did not.

18 Q. And after that pregnancy, when  
19 was the next time that you became  
20 pregnant?

21 A. In 2017.

22 Q. And when did you learn that you  
23 were pregnant in 2017?

24 A. Yeah, I found out one day after  
25 arriving to the U.S.



1                                   Minhye Park

2           Q.     Do you remember what day you  
3 arrived in the U.S.?

4           A.     In order to know, I need to  
5 look at my record.

6           Q.     Okay. And what record are you  
7 referring to? Your medical records?

8           A.     No. I'd have to look at the  
9 plane ticket.

10          Q.     Do you still have that plane  
11 ticket?

12          A.     If I look for it, I should be  
13 able to find it.

14          Q.     When did you plan your trip to  
15 the U.S.?

16          A.     Like a month before.

17          Q.     And what was the purpose of the  
18 trip?

19          A.     Because I like America; so, I  
20 wanted to come again.

21          Q.     And were you going to stay at a  
22 hotel, or were you staying with friends  
23 or family?

24          A.     I was going to stay by myself  
25 in a place -- something like a hotel.

1                                   Minhye Park

2           Q.     Did you have any friends or  
3 family in the U.S. when you came to  
4 visit?

5           A.     No.

6           Q.     Did you have a hotel reservation?

7           A.     So, it wasn't a hotel, but it's  
8 kind of like a guesthouse that's shared  
9 by other people, as well.

10          Q.     Did you have to make a  
11 reservation at that guesthouse before  
12 you arrived?

13          A.     Yes.

14          Q.     And how long were you planning  
15 on staying in the U.S.?

16          A.     About three weeks.

17          Q.     And were you going to stay in  
18 the guesthouse for those three weeks?

19          A.     Well, I was going to stay here  
20 and there, depending on the circumstance.

21          Q.     When you say "here and there,"  
22 what do you mean?

23          A.     So, I wanted to get lodging in  
24 the places that I was gonna go visit.

25          Q.     Okay. And where were you going



1                                   Minhye Park

2           to go visit?

3                           THE INTERPRETER:    "Where,"  
4           did you say, Counsel?

5                           MS. GIL:    Yes; "where."

6           A.    So, there was -- I wanted to go  
7           to all the famous places in Manhattan,  
8           and there were other places, too. But I  
9           had written them down before, but I do  
10          not remember now.

11          Q.    Were all the places in New York  
12          City?

13          A.    Yes.

14          Q.    And were you travelling by  
15          yourself?

16          A.    Yes.

17          Q.    And how did you learn that you  
18          were pregnant the day after you arrived?

19          A.    I went to the Korean market and  
20          bought the home test kit.

21          Q.    And why did you buy a home test  
22          kit?

23          A.    Because my period had not come.  
24          It had -- my period due date had passed.

25          Q.    How often would you get your

1                   Minhye Park

2       period in 2017?

3           A.     Around like 31 days.

4           Q.     And would you get your period  
5       consistently every 31 days?

6           A.     Yes.

7           Q.     When you did the test and saw  
8       that you were pregnant, what did you do  
9       next?

10          A.     So, I search on the Internet  
11       for a clinic in the United States.

12          Q.     And were you looking for a  
13       clinic that would do a surgery like the  
14       one you had before?

15          A.     No. First, I looked for a  
16       Korean OB/GYN to confirm the pregnancy.

17          Q.     Okay. And who did you find?

18          A.     So, I went to Dr. Kim.

19          Q.     Was Dr. Kim's office close to  
20       where you were staying?

21          A.     Yes, it wasn't too far.

22          Q.     Were you staying -- Well, were  
23       you able to walk to Dr. Kim's office?

24          A.     No; I had to take a car,  
25       vehicle.



1                   Minhye Park

2           Q.     Were you staying in Manhattan  
3     or in Queens?

4           A.     I do not know the name of the  
5     neighborhood.

6           Q.     Do you know the address?

7           A.     No, I do not know.

8           Q.     Did you tell anybody about your  
9     positive pregnancy test?

10          A.     No, I did not.

11          Q.     And besides Dr. Kim, did you  
12     find any other Korean OB/GYNs when you  
13     did your search?

14          A.     Yes; there were several.

15          Q.     And did you call any of them  
16     besides Dr. Kim?

17          A.     No, I did not.

18          Q.     And why did you pick Dr. Kim?

19          A.     He wasn't too far.

20          Q.     So, you picked Dr. Kim based on  
21     the location of his office?

22          A.     Yes.

23          Q.     And what happened when you  
24     called Dr. Kim's office?

25          A.     Oh, I didn't call; I just went.

1                                   Minhye Park

2           Q.     So, what happened when you went  
3     to his office?

4           A.     So, I got an ultrasound to  
5     confirm the pregnancy.

6           Q.     And who performed the ultrasound?

7           A.     The doctor, himself.

8           Q.     Did Dr. Kim speak Korean?

9           A.     No.    The nurse interpreted for  
10    me.

11          Q.     And do you remember the nurse's  
12    name?

13          A.     No.

14          Q.     Did anyone go with you to  
15    Dr. -- to your first appointment with  
16    Dr. Kim?

17          A.     No; I went by myself.

18          Q.     And did you fill out paperwork  
19    when you first went to Dr. Kim's office?

20          A.     Yes.   The first time I went,  
21    yes.

22                   MS. GIL:   Okay.   Just give me  
23    a second.

24                   I'm going to show you a page  
25    from the records of Dr. Kim.   These



1                   Minhye Park

2           were previously disclosed to  
3           plaintiff's counsel.

4                   And for the record, this is  
5           Page 2 of the Bates stamped records  
6           that were provided. I'm going to  
7           share my screen.

8                   (Sharing screen)

9           Q.     Can you see that document,  
10   Ms. Park?

11          A.     Yes.

12          Q.     And it has Dr. Kim's name and  
13   the address of his office, 143-16  
14   Sanford Avenue.

15                   And do you see where it says  
16   your name?

17          A.     Yes.

18          Q.     Did you fill that form out? Is  
19   that your handwriting?

20          A.     Yes.

21                   MS. GIL: Okay. We're going  
22   to mark this as Defendant's Exhibit A.  
23   And, again, it's Page 2 of Dr. Kim's  
24   records.

25          Q.     And the date next to your name,

1                   Minhye Park

2       it says 2017/11/16.

3                   Do you see that?

4           A.     Yes.

5           Q.     And you filled out that  
6       information?

7           A.     Yes.

8           Q.     And then, under "Address" it  
9       says "43-11 220th Street, Bayside,  
10      New York 11361."

11                  Did you fill that out, as well?

12          A.     Yes, correct.

13          Q.     And was that the address that  
14      you were staying at, at the time of this  
15      appointment?

16          A.     Yes.

17          Q.     And is that your signature at  
18      the bottom of the page?

19          A.     Yes.

20          Q.     Okay. So, your first appointment  
21      with Dr. Kim was on November 16, 2017;  
22      is that correct?

23          A.     Yes.

24          Q.     So, who did you first speak to  
25      when you arrived at Dr. Kim's office



1                                   Minhye Park

2       that day?

3           A.     With the nurse.

4           Q.     And what did you tell the  
5       nurse?

6           A.     That I wanted to get an  
7       ultrasound.

8           Q.     And did you have any additional  
9       conversation with the nurse?

10          A.     I do not remember.

11          Q.     And then, at some point did  
12       Dr. Kim come into the room to perform  
13       the ultrasound?

14          A.     Yes.   After speaking to the  
15       nurse, I went to the room where the  
16       doctor was.

17          Q.     And what conversation did you  
18       have with Dr. Kim when you first went  
19       into the room with him?

20          A.     That he looked with the  
21       machine, and he looked that -- there was  
22       something that wasn't very clear, and he  
23       wanted to make sure whether it was a  
24       pregnancy or not.

25          Q.     Okay.   Before he did the

1                                   Minhye Park

2           ultrasound, did Dr. Kim do a physical  
3           examination?

4           A.     No.

5           Q.     At any point during that  
6           appointment, did he perform a vaginal  
7           examination?

8           A.     Can you repeat the question.

9           Q.     Sure. During that first  
10          appointment, did Dr. Kim perform a  
11          vaginal examination?

12          A.     I'm not exactly sure what the  
13          vaginal examination is.

14          Q.     Did Dr. Kim feel around your  
15          vaginal area during the appointment?

16          A.     No; he just put the ultrasound  
17          through the vagina, but it was not his  
18          hands; it was the ultrasound machine.

19          Q.     So, the ultrasound that he  
20          performed was through the vagina, not on  
21          your abdomen?

22          A.     Yes.

23          Q.     Did Dr. Kim ask you if you had  
24          been pregnant in the past?

25          A.     Yes.



1                                   Minhye Park

2                   Q.     And what did you tell him?

3                   A.     I said that I was pregnant once  
4 before.

5                   Q.     So, other than performing the  
6 ultrasound through the vagina, did  
7 Dr. Kim perform any other physical  
8 examination during that appointment?

9                   A.     So, because he couldn't see  
10 clearly through the ultrasound, he said  
11 that it could be because it was too  
12 early on in the pregnancy. So, he said,  
13 let's do a blood test.

14                  Q.     And did they draw blood during  
15 that appointment?

16                  A.     Yes.

17                  Q.     And did you also have to have a  
18 urine test?

19                  A.     No.

20                  Q.     Did Dr. Kim tell you what he  
21 could see on the ultrasound?

22                  A.     He said that he couldn't see  
23 anything.

24                  Q.     Okay. Earlier, you said that  
25 he said there was something, but that it

1                   Minhye Park

2       was not very clear.

3                   So, what was it: That it wasn't  
4       clear, or he couldn't see anything at  
5       all?

6           A.     Oh, no. What I meant actually  
7       was not that the doctor said that it was  
8       not clear. What I meant was that my --  
9       the home test kit was not very clear.

10          Q.     So, what did -- could Dr. Kim  
11       see anything on the ultrasound?

12          A.     Yes, he couldn't see anything.

13          Q.     Okay. So, then, you had the  
14       blood test done at Dr. Kim's office?

15          A.     Yes.

16          Q.     And were there any other exams  
17       done during that visit?

18          A.     No.

19          Q.     And what happened after the  
20       ultrasound and the blood test were  
21       performed?

22          A.     They said that once the results  
23       come back, that they would let me know  
24       by phone.

25          Q.     Did they tell you how long it



1                                   Minhye Park

2       would take to get the results?

3           A.     I think it took about a week.

4           Q.     After your appointment with  
5       Dr. Kim, did you tell anybody back at  
6       home that you had gone to him because  
7       you thought you were pregnant?

8           A.     I told my boyfriend.

9           Q.     And what did he say?

10          A.     He said to just wait until we  
11       know for sure whether it is a pregnancy  
12       or not.

13          Q.     Were you using any kind of  
14       contraception with your boyfriend?

15          A.     No.

16          Q.     Around the time of your first  
17       appointment with Dr. Kim, were you  
18       experiencing any nausea?

19          A.     No.

20          Q.     Were you experiencing any  
21       vomiting?

22          A.     No.

23          Q.     How did you feel physically?  
24       Were you having any illness, or weakness,  
25       or anything at the time of your first

1                                   Minhye Park

2       appointment with Dr. Kim?

3           A.     I didn't have any major  
4       symptoms.

5           Q.     Okay. So, was the only reason  
6       that you took the pregnancy test,  
7       because you had missed your period?

8           A.     Yes.

9           Q.     Is there anything else you  
10      remember about your first appointment  
11      with Dr. Kim that you haven't told me  
12      about already?

13          A.     No.

14          Q.     Do you smoke cigarettes?

15          A.     Yes.

16          Q.     Were you smoking in 2017?

17          A.     Yes.

18          Q.     How much were you smoking on a  
19      daily basis in 2017?

20          A.     About ten.

21          Q.     Ten cigarettes per day?

22          A.     Yes.

23          Q.     And once you took the pregnancy  
24      test in 2017, were you still smoking?

25          A.     No, I did not after that.



1                                   Minhye Park

2           Q.     So, did you stop smoking once  
3     you had the positive pregnancy test at  
4     home?

5           A.     Yes.

6           Q.     And did there come a time when  
7     you started smoking again?

8           A.     So, yeah; right now, I do not  
9     smoke.

10          Q.     So, when was the last time that  
11     you smoked?

12          A.     At that time. That was the  
13     last time.

14          Q.     So, when you learned that you  
15     were pregnant in 2017, you stopped  
16     smoking, and you haven't smoked again  
17     since then?

18          A.     Correct.

19          Q.     Do you remember Dr. Kim telling  
20     you that when he did the ultrasound, he  
21     could see a gestational sac?

22          A.     Not the first time around.

23          Q.     Do you remember speaking to  
24     Dr. Kim about different options to  
25     terminate the pregnancy during that

1                   Minhye Park

2       first appointment?

3           A.     I don't remember exactly, but I  
4       don't think it was discussed on that  
5       first visit.

6           Q.     After that first visit, did you  
7       eventually get a phone call from Dr. Kim  
8       regarding your blood results?

9           A.     Yes.

10          Q.     When did they call you?

11          A.     I do not remember the exact  
12       date.

13          Q.     What did they tell you when  
14       they called you?

15          A.     That it looked like it was a  
16       pregnancy.

17          Q.     Okay. And then, did you  
18       schedule an appointment to return to  
19       Dr. Kim at that point?

20          A.     I don't think I made an  
21       appointment, but they told me to come  
22       back.

23          Q.     And then, when did you go back?

24          A.     After I got the phone call, I  
25       went right away, a few days after.



1 Minhye Park

2 Q. After you got the phone call,  
3 did you tell your boyfriend that they  
4 had confirmed the pregnancy with the  
5 blood test?

6 A. Yes.

7 Q. And what did he say?

8 A. He said -- he told me to come  
9 back to Korea.

10 Q. Did he say whether he wanted  
11 you to terminate the pregnancy?

12 MS. LEE: Objection.

13 Q. You can answer.

14 A. No, he did not say anything  
15 like that.

16 Q. And what did you tell him when  
17 you said -- when he told you to go back  
18 to Korea?

19 A. Well, I told him that since I  
20 came such a long way to come to America,  
21 that I would think about it.

22 Q. Would think about staying, or  
23 returning, or what?

24 A. Yes, correct.

25 Q. Okay. Did you talk to anybody

1                                   Minhye Park

2       else about your pregnancy besides your  
3       boyfriend?

4           A.     No, I did not.

5           Q.     And when did you return to  
6       Dr. Kim?

7           A.     After I got the call, a few  
8       days after.

9           Q.     Okay. Tell me about your next  
10      appointment with Dr. Kim.

11          A.     So, he said that because it was  
12      very early on in the pregnancy, I did  
13      get another ultrasound; and he said that  
14      now, he could see the sac.

15          Q.     And Dr. Kim performed the  
16      ultrasound at this second appointment,  
17      too?

18          A.     Yes.

19          Q.     And who served as the interpreter  
20      during the second appointment?

21          A.     The nurse.

22          Q.     The same nurse?

23          A.     Yes.

24          Q.     And was Dr. Kim able to tell  
25      you how far along you were in the



1                   Minhye Park

2           pregnancy during this second appointment?

3           A.     I think it was about four weeks.

4           Q.     And do you know if that was  
5           based on the ultrasound or the blood test?

6           A.     He told me after he did the  
7           second ultrasound.

8           Q.     Okay. Did Dr. Kim perform any  
9           additional blood work during the second  
10          appointment?

11          A.     No.

12          Q.     Did he perform a physical  
13          examination during the second appointment?

14          A.     No.

15          Q.     Between your first and your  
16          second appointment with Dr. Kim, did you  
17          go to any other clinics or any other  
18          doctors?

19          A.     No.

20          Q.     And during your first  
21          appointment with Dr. Kim, did he tell  
22          you whether he could perform a surgery  
23          to terminate the pregnancy?

24                   THE INTERPRETER: Counselor,  
25          during the first appointment, you

Minhye Park

said?

MS. GIL: Yes, during the first appointment.

MS. LEE: Objection.

Q. You can answer the question.

A. Like I mentioned earlier, because the pregnancy had not been confirmed, those -- that topic did not come up.

Q. So, once he confirmed the pregnancy in the second appointment, did you tell him that you wanted to terminate the pregnancy?

A. I just asked if the surgery to terminate the pregnancy was possible.

Q. And what did he tell you?

A. That it was possible.

Q. Did he tell you whether there were any other options to terminate the pregnancy besides the surgery?

A. No.

Q. Did Dr. Kim tell you that you could terminate the pregnancy by taking medication?



1                   Minhye Park

2           A.     No, I don't think he mentioned  
3     anything like that.

4           Q.     Do you remember Dr. Kim telling  
5     you that you could go to a Planned  
6     Parenthood clinic to get medication to  
7     terminate the pregnancy?

8           A.     No.

9           Q.     Do you remember Dr. Kim telling  
10    you that because the pregnancy was still  
11    early, that there was a chance he  
12    wouldn't be able to remove all of the  
13    products of the pregnancy?

14          A.     No.

15          Q.     So, after Dr. Kim confirmed the  
16    pregnancy and he told you that he could  
17    do the surgery, what else did you  
18    discuss with him?

19          A.     I told him that I would think  
20    about it and call back.

21          Q.     During this appointment, did  
22    Dr. Kim explain to you exactly how he  
23    would perform the abortion surgery?

24          A.     Not during the second  
25    appointment.

1 Minhye Park

2 Q. Did you discuss anything else  
3 with Dr. Kim during the second  
4 appointment that you haven't told me  
5 about already?

6 MS. LEE: Objection.

7 Q. You can answer.

8 A. There's nothing else I remember.

9 Q. During the second appointment  
10 with Dr. Kim, were you having any nausea  
11 or vomiting?

12 A. No.

13 Q. And did anybody go with you to  
14 your second appointment with Dr. Kim?

15 A. No.

16 Q. So, when you left Dr. Kim's  
17 office after that second visit, was the  
18 plan for you to call him back and let  
19 him know whether you wanted to go  
20 forward with the surgery?

21 A. I just said that I'll think  
22 about it, and I'll give him a call.

23 Q. Okay. After the second  
24 appointment with Dr. Kim, did you speak  
25 to your boyfriend again about your plans



1                                   Minhye Park

2       for the pregnancy?

3                   MS. LEE:   Objection.

4           Q.     You can answer.

5           A.     My boyfriend just kept saying  
6       that I should come back to Korea.

7           Q.     In between your first and  
8       second appointment with Dr. Kim, what  
9       were you doing during your travels in  
10      New York City?

11          A.     I didn't do anything. I just  
12      stayed at the place I was staying.

13          Q.     So, after your second  
14      appointment with Dr. Kim, did you speak  
15      to any friends or family, other than  
16      your boyfriend, about the fact that you  
17      were pregnant?

18          A.     No.

19          Q.     Okay. And did there come a  
20      time when you called Dr. Kim to tell him  
21      that you wanted to go forward with the  
22      abortion?

23          A.     Yes.

24          Q.     Who did you speak to?

25          A.     With the nurse.

1                                   Minhye Park

2                   Q.     And what did the nurse tell  
3     you?

4                   A.     She told me to come back to the  
5     clinic.

6                   Q.     Did she give you an appointment?

7                   A.     I went to the clinic and made  
8     the appointment in person.

9                   Q.     And when did you make the  
10    appointment for?

11                  A.     For the exact date, I would  
12    have to look into my records.

13                  Q.     Did you have to return to  
14    Dr. Kim before the day of the surgery?

15                  A.     What do you mean by -- what do  
16    you mean?    When?

17                  Q.     When you called the nurse to  
18    schedule the surgery, did you have to  
19    schedule another appointment before the  
20    actual surgery, or did you just schedule  
21    the surgery?

22                  A.     Yes, I did go see the doctor  
23    one time before surgery.

24                         MS. GIL:   Sorry.   Just give  
25    me one second.



1                                   Minhye Park

2                   MS. LEE: Counselor, can you  
3                   break for five minutes?

4                   MS. GIL: Yes, sure.

5                   (Recess held from 10:17 to 10:26 a.m.)

6                   CONTINUED EXAMINATION BY MS. GIL:

7                   Q. Ms. Park, before we get back to  
8                   your appointments with Dr. Kim, do you  
9                   recall going to a clinic called Rosemom,  
10                  in Korea?

11                  A. Yes.

12                  Q. And is that an OB/GYN clinic  
13                  that you went to before going to the  
14                  United States?

15                  A. Yes.

16                  Q. And do you remember going to  
17                  them in early November of 2017?

18                  A. Yes.

19                  Q. And why did you go to that  
20                  clinic in early November?

21                  A. I went there because I did not  
22                  get my period.

23                  Q. And did they perform an  
24                  ultrasound when you went?

25                  A. Yes.

1                                   Minhye Park

2           Q.     And what did they tell you?

3           A.     That nothing could be seen.

4           Q.     Did anybody go with you to that  
5 appointment?

6           A.     No; I went by myself.

7           Q.     And at that point, had you  
8 performed a home pregnancy test?

9           A.     Yes.

10          Q.     And what did the home pregnancy  
11 test say?

12          A.     At that time, it said it was  
13 negative.

14          Q.     When you went to the clinic, to  
15 Rosemom, did you tell them that you had  
16 been taking birth control pills?

17          A.     No.

18          Q.     The records from Rosemom  
19 reflect that you reported using oral  
20 contraceptives for years, and that you  
21 had stopped taking them a few months  
22 before that visit.

23                   Do you have any recollection of  
24 telling anyone at Rosemom that history?

25                   MS. LEE:  Objection.



1                                   Minhye Park

2                   MS. GIL:    She can answer.

3           A.       I do not remember.

4           Q.       Had you taken oral contraceptives  
5 before November of 2017?

6           A.       When I was young.   Yes, when I  
7 was young, I did.

8           Q.       When did you take oral  
9 contraceptives when you were young?

10           MS. LEE:   Objection.

11           MS. GIL:   What is the basis  
12 of the objection?

13           MS. LEE:   Relevancy, privacy.

14           MS. GIL:   Neither one of  
15 those are proper objections, first  
16 of all; and second of all, it is  
17 relevant.

18           Q.       When did you take oral  
19 contraceptives, Ms. Park?

20           A.       I took them for a little bit in  
21 my mid 20s.

22           Q.       For how long did you take them?

23           A.       For a few months.

24           Q.       Before November of 2017, when  
25 was the last time that you had taken

1                                   Minhye Park

2           oral contraceptives?

3           A.     That, I do not remember.

4           Q.     Did they do any blood work  
5           during that appointment at Rosemom to  
6           see if you were pregnant?

7           A.     No, there was no blood test.

8           Q.     And other than Rosemom, did you  
9           go to any medical providers or clinics,  
10          let's say in October or November of '17,  
11          in Korea?

12          A.     Can you repeat the question.  
13          When did you ask?

14          Q.     In October and November of  
15          2017, did you go to any clinics or  
16          medical providers in Korea other than  
17          Rosemom?

18          A.     No.

19          Q.     Going back to your appointments  
20          with Dr. Kim: Dr. Kim's records show  
21          that you had two appointments with him  
22          in his office before he performed the  
23          abortion surgery.

24                   Are you sure that you had a  
25          third appointment with him before the



1 Minhye Park

2 abortion surgery?

3 A. You're talking about the clinic  
4 in America; right?

5 Q. Yes.

6 A. That I remember, it was three  
7 times.

8 Q. Okay. And, sorry, going back  
9 to Rosemom: When you went to Rosemom in  
10 early November of 2017, did they give  
11 you a medication that was a contraception  
12 to take after intercourse?

13 A. I do not remember exactly.

14 Q. Do you remember if they gave  
15 you any medications when you went to  
16 Rosemom in early November of 2017?

17 A. No. I only got the ultrasound,  
18 I think.

19 Q. Did you take any medications  
20 after your appointment at Rosemom and  
21 before your appointment with Dr. Kim?

22 A. No, I did not.

23 Q. Okay. What happened at your  
24 third appointment with Dr. Kim?

25 A. I was told that surgery would

1                   Minhye Park

2       be performed somewhere else.

3           Q.     When you say "somewhere else,"  
4       do you mean in another office?

5           A.     I was told that it would be in  
6       a different place.

7           Q.     During the third appointment at  
8       Dr. Kim's office, did you actually see  
9       Dr. Kim, or did you see a nurse?

10          A.     I don't remember exactly, but I  
11       think I did see the doctor.

12          Q.     And did they tell you where the  
13       surgery would be performed?

14          A.     Yes.

15          Q.     Where did they tell you the  
16       surgery would be performed?

17          A.     I don't remember the exact  
18       address, but it was a building where  
19       they had shabu-shabu and it was on,  
20       like, one of the top floors.

21          Q.     During this appointment, did  
22       Dr. Kim explain to you how the surgery  
23       would be performed?

24          A.     No.

25          Q.     At any point did Dr. Kim



1 Minhye Park

2 explain to you how the surgery would be  
3 performed?

4 A. No.

5 Q. What conversation did you have  
6 with Dr. Kim during the third appointment?

7 A. We just set up a date for the  
8 surgery.

9 Q. Did you tell Dr. Kim that you  
10 had had an abortion surgery before?

11 MS. LEE: Objection.

12 MS. GIL: She can answer.

13 A. Yes, I think I mentioned it  
14 earlier.

15 Q. Did Dr. Kim, during this third  
16 appointment, talk to you about any risks  
17 associated with the abortion surgery?

18 A. No.

19 Q. At any point before he  
20 performed the surgery, did Dr. Kim tell  
21 you that there was a risk of excessive  
22 bleeding after the surgery?

23 A. No.

24 Q. At any point before he  
25 performed the surgery, did Dr. Kim talk

1                                   Minhye Park

2           to you about a risk of infection with  
3           the surgery?

4           A.     No, I did not hear these things  
5           about surgery.

6           Q.     At any point before he  
7           performed the surgery, did Dr. Kim tell  
8           you that there was a chance that he  
9           would not be able to remove all of the  
10          products of the pregnancy?

11          A.     No.

12          Q.     At any point prior to performing  
13          the surgery, did Dr. Kim tell you that  
14          you could terminate the pregnancy by  
15          taking medication?

16                   MS. LEE:  Objection.

17                   MS. GIL:  What's the basis of  
18          the objection?

19                   MS. LEE:  Asked and answered.

20                   MS. GIL:  No.  I previously  
21          asked her about during the first  
22          two appointments.  Now, I'm asking  
23          her at any point up until the  
24          surgery.

25          Q.     You can answer the question.



1 Minhye Park

2 MS. LEE: You asked.

3 A. No, he never mentioned anything  
4 like that.

5 Q. And at any point prior to when  
6 he performed the surgery, did Dr. Kim  
7 refer you to Planned Parenthood for an  
8 abortion with medication?

9 MS. LEE: Objection.

10 Q. You can answer.

11 A. No. This is -- I hear about  
12 this for the first time right now, here.

13 Q. During your third appointment  
14 at Dr. Kim's office, was the same nurse  
15 interpreting for you as the first two  
16 appointments?

17 A. Yes.

18 Q. And other than the nurse who  
19 interpreted for you and Dr. Kim, did you  
20 speak to anybody else at Dr. Kim's  
21 office during any of your visits?

22 A. I don't understand the  
23 question.

24 Q. During the three visits that  
25 you had at Dr. Kim's office, you

1                   Minhye Park

2           testified that you spoke to a nurse who  
3           interpreted for you and Dr. Kim.

4                   So, I want to know if you spoke  
5           to anybody else in his office during  
6           those three visits?

7           A.     No.

8           Q.     And can you describe the nurse  
9           physically?

10          A.     I don't think I can explain how  
11          she looks.

12          Q.     Can you estimate what age she  
13          was?

14          A.     I'm not exactly sure, but she  
15          was not old.

16          Q.     Do you remember if she was tall  
17          or short?

18          A.     Just regular height.

19          Q.     How tall are you?

20          A.     162.

21          Q.     Was she taller or shorter than  
22          you?

23          A.     It didn't seem that there was  
24          much difference in our height.

25          Q.     So, during your third



1                   Minhye Park

2           appointment with Dr. Kim, you set a date  
3           for the surgery, and you were told that  
4           it would be performed at a different  
5           building.

6                   Were you told anything else  
7           about the surgery at that time?

8           A.     No.

9           Q.     And then, how soon after that  
10          third appointment did you have the  
11          surgery?

12          A.     I don't think it was long after  
13          that.

14          Q.     Okay. The records reflect that  
15          the abortion surgery was performed on  
16          November 27, 2017.

17                   Does that refresh your  
18          recollection?

19          A.     Yes, I think the 27th is  
20          correct.

21          Q.     Do you recognize the name  
22          Minji Jeong?

23          A.     No.

24          Q.     During the time between your  
25          third appointment with Dr. Kim and when

1 Minhye Park

2 you went for the abortion surgery, did  
3 you do anything during your time in  
4 New York? Did you go anywhere?

5 A. No. I just stayed in the place  
6 I was staying.

7 Q. And between the time that you  
8 had your first appointment with Dr. Kim  
9 and when you had the abortion surgery,  
10 did you at any point go to any other  
11 clinics or any doctors in New York?

12 A. No.

13 Q. And after you scheduled the  
14 abortion surgery, did you tell your  
15 boyfriend that you were going to have an  
16 abortion?

17 A. I did not tell him before the  
18 surgery.

19 Q. Do you remember what time your  
20 appointment was at the surgical center?

21 A. I think it was in the morning.

22 Q. And how did you arrive there?

23 A. I took a cab.

24 Q. Did you go by yourself?

25 A. Yes.



1 Minhye Park

2 Q. Did any friends or family  
3 members know that you were going to have  
4 an abortion that day?

5 A. No.

6 Q. What happened when you arrived  
7 at the surgical center?

8 A. I talked to the person who was  
9 at the counter, and I went -- I just  
10 went straight to change my clothes and  
11 to the operation room.

12 Q. When you got to the operation  
13 room, was Dr. Kim there?

14 A. Yes.

15 Q. And did you have a conversation  
16 with him?

17 A. No.

18 Q. You didn't speak to him at all?

19 A. I think he just said, "Okay.  
20 Now, we're gonna start."

21 Q. Did you ask him any questions  
22 about how the procedure would be  
23 performed?

24 A. No, because I do not speak  
25 English.

1                   Minhye Park

2           Q.     Was there an interpreter  
3     available at the surgical center?

4           A.     No, there was not.

5           Q.     The person you spoke to at the  
6     counter, did that person speak Korean?

7           A.     No.

8           Q.     So, how did you have a  
9     conversation with this person at the  
10    counter?

11          A.     It was -- I didn't really have  
12    a conversation with that person.

13          Q.     So, how did you communicate  
14    with that person?

15          A.     So, basically, it was by hand  
16    gestures, telling me to go here or  
17    there.

18          Q.     So, at any point while you were  
19    in the surgical center, were you able to  
20    have a conversation with anybody that  
21    spoke Korean?

22          A.     No.

23          Q.     Did you request an interpreter  
24    at any time while you were at the  
25    clinic?



1 Minhye Park

2 A. No; 'cause I -- there was no  
3 one I could say that to. There was no  
4 one that I could say that to.

5 Q. In the clinic, were there any  
6 signs that said, you know, how you could  
7 request an interpreter?

8 A. No.

9 Q. At any time while you were at  
10 the clinic before the surgery started,  
11 did you have questions that you would  
12 have asked if there had been an  
13 interpreter available?

14 MS. LEE: Objection.

15 MS. GIL: What is the basis  
16 of the objection?

17 MS. LEE: "If."

18 MS. GIL: That's not a proper  
19 objection.

20 She can answer the question.

21 MS. LEE: Judge can decide.

22 Q. Did you have any questions at  
23 the time that you were in the clinic  
24 that you could not ask, because there  
25 was not an interpreter available?

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Minhye Park

A. If there was an interpreter available, I think I would have asked about any risks of the surgery.

Q. During your appointments with Dr. Kim when there was an interpreter available, did you ask about any risks of the surgery?

A. So, no, not during those appointments, because that topic was not brought up. But then, the day of the surgery, then I got a little bit scared. So, I'm thinking, if there was an interpreter, I would have asked.

Q. When you had the first abortion in Korea, you were informed of the risks of the surgery; correct?

A. It was such -- so long ago, I do not remember.

Q. Well, you previously testified that you were told about the risks but that you didn't remember the details of that conversation; is that correct?

A. Yes, I did hear about bleeding.

MS. GIL: The time is now



1 Minhye Park

2 11:03. We're going to stop the  
3 deposition now, and we will resume  
4 tomorrow, January 6th, at 8:00 a.m.  
5 New York time.

6 MS. LEE: Okay.

7 MS. GIL: I will contact  
8 Veritext to let them know about the  
9 time change.

10 THE WITNESS: Okay.

11 (Whereupon, Patient Demographic  
12 Insurance Form was deemed marked as  
13 Defendant's Exhibit A, for ID.)

14

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17 (Time noted: 11:04 a.m.)

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1  
2 STATE OF NEW YORK )

3 ) ss:

4 COUNTY OF NEW YORK )  
5  
6

7 I, Minhye Park, the witness  
8 herein, having read the foregoing  
9 testimony of the pages of this deposition,  
10 do hereby certify it to be a true and  
11 correct transcript, subject to the  
12 corrections, if any, shown on the  
13 attached page.  
14  
15

16 o0o  
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19

20 Minhye Park  
21

22 Subscribed and sworn to before me  
23 this \_\_\_\_ day of \_\_\_\_\_, 20 .  
24  
25



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1

2

C E R T I F I C A T E

3

STATE OF NEW YORK )

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)

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COUNTY OF ROCKLAND )

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7

I, ALYSSA BOCHNIK, a Notary Public  
for and within the State of New York, do  
hereby certify:

8

9

10

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

11

12

13

14

15

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

16

17

18

19

20

IN WITNESS WHEREOF, I have  
hereunto set my hand this 24th day of  
January, 2022.

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Alptra Bahn

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ALYSSA BOCHNIK

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\*\*\*I N D E X\*\*\*

PAGE#

LINE#

EXAMINATION BY:

Ms. Gil

5

23

DOCUMENT/DATA REQUESTED:

NONE

PLAINTIFF'S EXHIBITS:

NONE

DEFENDANT'S EXHIBITS:

Exhibit A - Patient Demographic Insurance Form

90

11

RULINGS CONTEMPLATED:

NONE



## CORRECTION SHEET

Re: Minhye Park -ag- David Dennis  
Kim, M.D.

The following corrections,  
additions or deletions were noted on the  
transcript of the testimony which  
I gave in the above-captioned matter,  
held on January 5, 2022.

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Minhye Park

Subscribed and sworn to before me

this day of 20 .

[&amp; - appointments]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.



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